

UNITED STATES BANKRUPTCY COURT
DISTRICT OF ARIZONA

<p><i>m</i> <i>cc</i></p> <p>In Re:</p> <p>BCE WEST, L.P., et al.,</p> <p style="text-align: center;">Debtors.</p> <p>EID: 38-3196719</p> <hr/>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p>Chapter 11</p> <p>Case Nos. 98-12547 through 98-12570-PHX-CGC</p> <p>Jointly Administered</p> <p>OBJECTION TO DEBTORS' MOTION TO DETERMINE ADEQUATE ASSURANCE OF PAYMENT OF UTILITIES UNDER 11 U.S.C. § 366</p>
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1. This is an objection to Debtors' Motion to Determine Adequate Assurance of Payment of Utilities under 11 U.S.C. §366 brought by the City of Vero Beach, Florida.
2. The City of Vero Beach, Florida, is a municipality, a political subdivision of the State of Florida, and is located within Indian River County, Florida.
3. The City of Vero Beach is the utility supplier for Debtors in their only Vero Beach, Florida, location.

JURISDICTION

4. Pursuant to 28 U.S.C. §§1334 and 157, this Court has jurisdiction to hear Debtors' motion. Pursuant to 28 U.S.C. §157(b)(2)(A) and (O), the motion presents a core proceeding.

OBJECTION TO DEBTORS' MOTION

5. The City, as a utilities provider, supplies services to a wide range of residential, commercial and industrial consumers. Section 17.05 of the Code of Ordinances, City of Vero Beach, specifies all commercial customers will maintain a security deposit with the City as long as the account is open. Attached as Exhibit "A."
6. City of Vero Beach Rate Resolution No. 87-57 controls the specifics of the amount of the City's utility deposit policy. City of Vero Beach Rate Resolution 87-57 calls for a deposit for all commercial customers who desire the City to provide it utilities of two (2) times the average monthly bill for service. Attached as Exhibit "B."
7. Bankruptcy Code §366(b) provides, in part, that Adequate Assurance shall be "in the form of a deposit or other security."

8. It has been the long standing policy of the City of Vero Beach that a security deposit of two (2) times the average monthly bill for services be given to provide the City with Adequate Assurance once there has been commencement of a case in Bankruptcy. Based on its status as a new entity in Bankruptcy, Debtors should once again comply with the requirements of City's Rate Resolution No. 87-57.

9. This two (2) times the average monthly use is a reasonable formula to calculate the security deposit amount and bears a reasonable relationship to the Debtors' projected usage. See In re Coastal Dry Dock & Repair, 62 B.R. 879, 15 Collier Bankr. Cas. 2d (MB) 320 (Bankr. E.D.N.Y. 1986)

10. As a service provider, the City takes the position that it would be unfair for the City to offer a more favorable opportunity to provide a security deposit for one customer over all others that are presently being served and who comply with the City's rules and regulations.

WHEREFORE, the City of Vero Beach, Florida, as a provider of utilities services, requests that any Order issued by this Court be amended to include that Adequate Assurance be provided to the City of Vero Beach by providing the City with a security deposit in the amount of \$6,600.00, representing two (2) times the average monthly bill for services provided to the Debtors from the City.

The City of Vero Beach hereby waives its rights to attend the hearing on this motion personally.

I HEREBY CERTIFY that a true and correct copy of the foregoing was served by Federal Express Mail Service on H. Rey Stroube, III, and S. Margie Venus, AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P., 1900 Pennzoil Place - South Tower, 711 Louisiana, Houston, Texas 77002; and on Randolph J. Haines, LEWIS & ROCA, L.L.P., 40 North Central Avenue, Phoenix, Arizona 85004-4429, this 19th day of October, 1998.

Respectfully submitted,

ROBERT N. SECHEN, ESQ.
City Attorney
Florida Bar #319287
Attorney for City of Vero Beach
1053 20th Place
P.O. Box 1389
Vero Beach, Florida 32961-1389
Tel. 561/978-4730
Fax 561/978-4707

By: _____

John R. Capra, Esq.
Assistant City Attorney
Florida Bar #0966452

Sec. 17.05. Refund of deposits.

- (a) *Residential.* Utility deposits for single-family residences, duplexes, triplexes, and other residential complexes with no master meter will be retained by the city for a period of 3 years, at which time it may be returned, providing the customer's payment record justifies such return and the utility service at that location or any location serviced for the customer has not been terminated because of nonpayment during the preceding 3-year period. Once a deposit has been refunded, the individual customer shall be considered credit established until such time as utility service is discontinued for nonpayment. Upon the closing of an account, the deposit shall be applied to the final bill.
- (b) *Commercial, industrial, multiple units—Master metered.* Deposits will be retained by the city until final settlement of the customer's account, at which time such deposit shall be applied to the final bill. A deposit shall be returned only to the customer or customer's assignee as shown on a notarized written assignment or to a documented legal representative. In the event of death of the individual depositor, the deposit shall be returned as directed by the attorney for the estate, by a qualified representative of the depositor, or by a court of competent jurisdiction.

(Ord. No. 82-26, § 1, 11-2-82; Ord. No 97-15, § 2, 5-20-97)

A RESOLUTION OF THE CITY OF VERO BEACH,
FLORIDA, TO PROVIDE FOR IMPACT FEES FOR
THE MUNICIPAL ELECTRICAL SYSTEM TO
REFLECT THE 1987 IMPACT FEE ANALYSIS.

WHEREAS, the City of Vero Beach commissioned R. W. Beck and Associates to
conduct an Impact Fee Analysis, and

WHEREAS, that Study has been completed, and

WHEREAS, the Study shows the projected incremental capital cost to provide
service for new customers, and

WHEREAS, it is necessary to have impact fees to meet the incremental capital
costs.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
VERO BEACH, FLORIDA, THAT:

The impact fees, as set forth in the attached Appendix which consists of sheet
No. 5.2 is adopted, effective October 1, 1987.

The complete Impact Fee Analysis is available in the office of the City Clerk.

THIS RESOLUTION was advertised in the Vero Beach Press Journal on the 5th
day of Sept, 1987, for a public hearing to be held on the 15th day of
Sept, 1987, at which time it was moved for adoption by Councilman
Howard, seconded by Councilman Wodtke
and adopted on the 15th day of Sept, 1987, by the following vote:

Mayor Acor	<u>yes</u>
Vice Mayor Howard	<u>yes</u>
Councilman Wodtke	<u>yes</u>
Councilman Macht	<u>no</u>
Councilman Winchester	<u>yes</u>

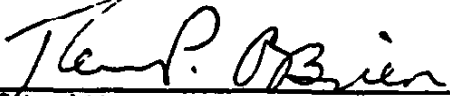
ATTEST:

Phyllis A. Neuberger
City Clerk

CITY OF VERO BEACH, FLORIDA

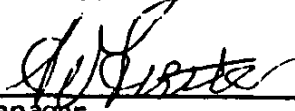
John A. Acor
Mayor

Approved as to form
and legal sufficiency:




City Attorney

Approved as to technical
requirements:



City Manager

Approved as to technical
requirements:



Director of Finance

Exhibit "B"

MISCELLANEOUS

STATE SALES TAX - State Sales Tax shall be applied to the total bill on all commercial and industrial accounts.

CITY UTILITY TAX - A City Utility Tax of ten percent (10%) shall be added to all rate schedules for service inside the city limits. The amount will not exceed the limitation established by Subsection 166.231, Florida Statutes. ~~A ten percent (10%) utility tax shall be applied to the minimum monthly charge plus \$0.027 per kilowatt hour of usage on each account located inside the corporate limits of the City.~~

OUTSIDE CITY SURCHARGE - A surcharge for service provided outside the corporate limits of the City shall be added to all rate schedules. The amount of the surcharge shall be equal to the utility tax imposed on service inside the city limits. The surcharge shall apply to the same base, at the same rate, in the same manner and to the same rate schedules as the utility tax, all as set forth in Rule 25-9.525 of the Florida Administrative Code. ~~A ten percent (10%) outside the City surcharge shall be applied to the minimum monthly charge plus \$0.027 per kilowatt hour of usage on each account located outside the corporate limits of the City. (Effective with billings rendered on or after October 1, 1986).~~

TERMS OF PAYMENT - All bills are due when rendered and become delinquent fifteen (15) days from billing date. After fifteen (15) days, a delinquent notice is mailed allowing an additional ten (10) days. If not paid by date stated on delinquent notice, service may be discontinued without further notice.

COUNTY FEE-IN-LIEU-OF-FRANCHISE FEE - A 6% county fee-in-lieu-of-franchise fee shall be added to all rate schedules for electric, water, and/or sewer service provided to customers who reside in the unincorporated areas of Indian River County and receive service from the City and shall be applied to the total bill for such service pursuant to ordinance provisions of Indian River County.

MISCELLANEOUSDEPOSITS(1) RESIDENTIAL -a) All services (electric, water,
sewer, garbage)~~\$100.00~~ 150.00

b) Electric service only

\$ ~~75.00~~ 100.00(2) OTHER THAN (1) ABOVE - Two (2) times the average monthly bill.
Minimum of \$50.00Deposits in excess of \$500.00 may be made
by Surety Bond.INTEREST ON DEPOSITS - Six (6) percent per annum paid on cash deposits
applied annually as a credit on July bill.REFUND OF DEPOSITS(1) RESIDENTIAL - Deposits may be refunded after a period of three (3)
years providing service has not been discontinued
for non-payment.(2) OTHER THAN (1) ABOVE - Deposits may be held by the City until final
settlement of the customer's account, at which time
such deposit shall be applied against any electric
bill due the City for such service and any unused
balance shall be refunded when such account is
settled and closed.TRANSFER OF DEPOSITS - Deposits may be transferred from one location to
another providing the service remains in the same
name.

MISCELLANEOUSSERVICE CHARGES -

- a) Temporary Service Installation \$ ~~22.00~~ 70.00
- b) ~~Initial Permanent Service~~ 11.00
~~plus the following Fixed Cost~~
~~Recovery Charge: New Customer Charge~~

<u>Service Size</u>	<u>Residential</u>	<u>Commercial</u>
Single Phase (200 amp & under)	\$ 69.00	22.00
Single Phase (over 200 amp)	209.00	162.00
Three Phase (200 amp & under)	159.00	112.00
Three Phase (over 200 amp)	259.00	212.00

- c) ~~New Customer Charge~~ ~~11.00~~
Initial Permanent Service Charge
In addition to the New Customer Charge, a customer
requesting initial permanent service (at a new
location) shall pay the following charge:

<u>Initial Service Type</u>	<u>Initial Permanent Service Charge</u>
<u>Residential and Commercial Nondemand:</u>	
<u>Single Phase Service</u>	<u>\$ 95.00</u>
<u>Three Phase Service</u>	<u>260.00</u>
<u>Commercial Demand and Industrial:</u>	
<u>Secondary Service</u>	<u>615.00</u>
<u>Primary Service</u>	<u>1900.00</u>

- d) Service Transfers 11.00
- ~~e) Seasonal Turn on/off~~ ~~22.00~~
- ~~f)e)~~ Service Change Outs - Service Relocation 22.00
- ~~g)f)~~ After Hour Service 15.00
- ~~h)g)~~ Disconnect & Reconnect (non-payment) 22.00

MISCELLANEOUS
(Continued from sheet No. 5.0, page 1)

SERVICE CHARGES -

f h) Late Payment Penalty	1.50
f 1) Administrative Charge (non-payment)	5.00
* 1) Returned Check Charge	10.00
f k) Meter Test Charge (only if tested within previous 12 months and found to be accurate \pm 2%)	11.00

Issued By: John V. Little
City Manager/Director of Utilities

Effective: October 1, 1986

MISCELLANEOUSUNDERGROUND SERVICE LATERALS FROM UNDERGROUND
AND OVERHEAD ELECTRIC DISTRIBUTION SYSTEMS

AVAILABILITY - Throughout the service area when requested by the applicant, the City will install underground service laterals to new or existing residential buildings in accordance with City rules, regulations and specifications now or hereafter adopted.

APPLICABILITY - Residential buildings containing less than four (4) separate dwelling units.

CHARGES -

<u>New Construction</u>	<u>From Under- ground System</u>	<u>From Over- head System</u>
1. Complete installation	\$250.00	\$375.00
2. In owner provided trench	110.00	250.00
3. In owner provided conduit	110.00	110.00
<u>Underground Replacing Existing Overhead Service</u>		
1. In owner provided trench	110.00	250.00
2. In owner provided conduit	110.00	110.00

UNDERGROUND DISTRIBUTION FACILITIES FOR
RESIDENTIAL SUBDIVISIONS AND DEVELOPMENTS

AVAILABILITY - Throughout the service area when requested by the applicant, the City will provide underground electric distribution facilities in accordance with City rules, regulations and specifications now or hereafter adopted.

APPLICABILITY - All single and multiple occupancy residential subdivisions and developments.

CHARGES - The applicant shall pay the City the difference between the estimated installed cost of the underground distribution system and the estimated installed cost of an overhead system, payable prior to installation.

MISCELLANEOUS

UNDERGROUND DISTRIBUTION FACILITIES FOR
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INDEX OF RATE SCHEDULES

RS	Residential Service	8.0
GS	Commercial Service (non demand) <u>Nondemand</u>	9.0- <u>9.1</u>
GS	Commercial Service (non demand) cont'd.	9.1
GSD	Commercial Service (demand) <u>Demand</u>	10.0
CSLD	Industrial Service (demand) <u>Demand</u>	11.0- <u>11.1</u>
GSLD	Industrial Service (demand) cont'd.	11.1
	Sheet 12.0 Reserved	12.0
OL	Rental Security Lighting Service	13.0
	Sheets 14.0 and 15.0 Reserved	14.0, 15.0
SL-2	Street Lighting Service (Governmental)	16.0- <u>16.1</u>
SL-2	Street Lighting Service (governmental) cont'd.	16.1
SL-1	Street Lighting Service	17.0
<u>EAC PCA</u>	Purchase <u>Power/Energy Cost</u> Adjustment Cost <u>Clause</u>	18.0- <u>18.1</u>
CGWT	Cogeneration Wheeling Tariff	19.0 thru = 19.4

RESIDENTIAL SERVICE

RATE SCHEDULE - RS

AVAILABILITY - Available throughout the service area.

APPLICABILITY - Applicable for service to a single family dwelling unit occupied by one family or household. This rate is not applicable to business houses or licensed boarding or rooming houses if served by a single meter. Service provided hereunder shall not be shared with or resold to others.

LIMITATIONS - Subject to all of the Rules and Regulations of this tariff and General Rules and Regulations of the utility. Standby or resale service not permitted.

ELECTRIC RATE

<u>Monthly Consumption Level (kWh)</u>		<u>Fixed (minimum)</u> <u>Monthly Charge</u>
<u>From</u>	<u>To</u>	
0	250	\$ 7.50
251	500	10.30
501	750	13.10
751	1,000	15.90
1,001	1,250	18.70
1,251	1,500	21.50
1,501	1,750	24.30
1,751	2,000	27.10
2,001	2,250	29.90
2,251	2,500	32.70
All Over	2,500	35.50

MONTHLY ELECTRIC RATE -

Customer Charge: 7.10
 \$7.20 per month
ENERGY CHARGE 0.0655
Energy Charge: ~~\$0.06~~ \$0.0665 per kWh consumed.

BILLING ADJUSTMENT - See "Energy Power Cost Adjustment Cost Clause"
 Sheet No. 18.0

TERMS OF PAYMENT - See "Miscellaneous" Sheet No. 4.0

CITY UTILITY TAX - See "Miscellaneous" Sheet No. 4.0

OUTSIDE CITY SURCHARGE - See "Miscellaneous" Sheet No. 4.0

COUNTY FEE-IN-LIEU-OF-FRANCHISE FEE - See "Miscellaneous" Sheet No. 4.0

Issued By: John V. Little
 City Manager/Director of Utilities

Effective: October 1, 1982

COMMERCIAL SERVICE - NON DEMANDRATE SCHEDULE - GS

AVAILABILITY - Available throughout the service area.

APPLICABILITY - For lighting and power in establishments not classified as residential or industrial ~~using less than twenty thousand (20,000) kWh per month~~ with a maximum annual demand of less than thirty (30) kW.

CHARACTER OF SERVICE - Single or 3 phase, 60 cycles and approximately 120 volts or higher, at utility's option.

LIMITATIONS - Subject to all of the Rules and Regulations of this tariff and general rules and regulations of the utility. Standby or resale not permitted.

ELECTRIC RATE

<u>Monthly Consumption Level (kWh)</u>		<u>Fixed (minimum)</u> <u>Monthly Charge</u>
<u>From</u>	<u>To</u>	
0	500	9.00
501	1,000	13.40
1,001	1,500	17.80
1,501	2,000	22.20
2,001	2,500	26.60
2,501	4,000	35.40
4,001	5,500	48.60
5,501	7,000	61.80
7,001	8,500	75.00
8,501	10,000	88.20
10,001	12,500	105.80
12,501	15,000	127.80
15,001	17,500	149.80
17,501	20,000	171.80
20,001	22,500	193.80
22,501	25,000	215.80
25,001	27,500	237.80
27,501	30,000	259.80
30,001	35,000	290.60
35,001	40,000	334.60
40,001	45,000	378.60
45,001	50,000	422.60
50,001	55,000	466.60
55,001	60,000	510.60
over	60,000	670.00

Issued By: John V. Little
City Manager/Director of Utilities

Effective: October 1, 1982

COMMERCIAL SERVICE - NON DEMANDRATE SCHEDULE - GS

(Continued from Sheet No. 9.0)

MONTHLY ELECTRIC RATE -

7.10

Customer Charge: \$7.20 per month

ENERGY CHARGEEnergy Charge: \$0.06 ^{0.0686} ~~\$0.0696~~ per kWh consumedTERMS OF PAYMENT - See "Miscellaneous" Sheet No. 4.0BILLING ADJUSTMENT - See "Energy Power Cost Adjustment Cost Clause"
Sheet No. 18.0STATE SALES TAX - See "Miscellaneous" Sheet No. 4.0CITY UTILITY TAX - See "Miscellaneous" Sheet No. 4.0OUTSIDE CITY SURCHARGE - See "Miscellaneous" Sheet No. 4.0COUNTY FEE-IN-LIEU-OF-FRANCHISE FEE - See "Miscellaneous" Sheet No. 4.0

COMMERCIAL SERVICE - DEMAND

RATE SCHEDULE - GS-D

AVAILABILITY - Available throughout the service area.

APPLICABILITY - For lighting and power in establishments not classified as residential or industrial ~~using more than twenty thousand (20,000) kWh per month.~~ with a maximum annual demand of thirty (30) kW or more.

CHARACTER OF SERVICE - Single or 3 phase, 60 cycles and approximately 120 volts or higher, at utility's option.

LIMITATIONS - Subject to all of the rules and regulations of this tariff and general rules and regulations of the utility. Standby or resale not permitted.

ELECTRIC RATE -

Customer Charge: ~~\$9.00~~ ^{\$ 29.35} ~~\$30.00~~ per month

Demand Charge : ~~\$3.20~~ ^{5.42} ~~\$5.50~~ per kW of the maximum metered demand during the month, but ~~not less than 80% of the highest demand recorded during the previous twelve (12) months.~~

Energy Charge : ~~\$0.060~~ ^{0.0492} ~~\$0.0499~~ per kWh

DEMAND - The demand is the kW nearest to the whole kW as determined from the City's demand meter for the thirty (30) minute period of customers' greatest use during the month but ~~not less than eighty percent (80%) of the highest demand recorded during the previous twelve (12) months.~~ but in no event shall the billing demand be less than 30 kW per month.

POWER FACTOR - If customers' power factor shall average less than eighty-five percent (85%) lagging during any month, then the City may adjust the readings taken to determine the demand by multiplying the kW obtained through such readings by eight-five (85%) and by dividing the result by the average power factor actually established during the current month. Such adjusted readings shall be used in determining the demand.

TERMS OF PAYMENT - See "Miscellaneous" Sheet No. 4.0

COMMERCIAL SERVICE - DEMANDRATE SCHEDULE - GS-D

(Continued from Sheet No. 10.0, page 1)

BILLING ADJUSTMENT - See "Energy Power Cost Adjustment Cost Clause"
Sheet No. 18.0

STATE SALES TAX - See "Miscellaneous" Sheet No. 4.0

CITY UTILITY TAX - See "Miscellaneous" Sheet No. 4.0

OUTSIDE CITY SURCHARGE - See "Miscellaneous" Sheet No. 4.0

COUNTY FEE-IN-LIEU-OF-FRANCHISE FEE - See "Miscellaneous" Sheet No. 4.0

INDUSTRIAL SERVICE - DEMANDRATE SCHEDULE - GSLD

AVAILABILITY - Available throughout the service area.

APPLICABILITY - For power service for industrial, manufacturing or processing purposes. The use of energy for lighting purposes within and about buildings, structures and premises housing or enclosing the power driven and operated machinery and equipment used in or in connection with such industrial, manufacturing or processing purposes and incidental to the use of power supplied hereunder for such purposes is permissible under this schedule. The customer will provide and maintain all transformers and auxiliary appurtenances.

QUALIFICATION FOR SERVICE - For industrial, manufacturing, or processing purposes, which require power service with a measured demand of at least 500 kW as a minimum. Customers with demands of less than 500 kW may enter into an agreement for service under this schedule based on a minimum demand charge of 500 kW. This service will not be rendered for less than one (1) year.

CHARACTER OF SERVICE - Single or three phase, sixty (60) cycles and at any available standard distribution system primary voltage.

LIMITATIONS - All service required on premises by customer shall be furnished through one meter. Not applicable to service in stores, hotels, office buildings, theaters, apartment houses, restaurants, clubs, or in any other commercial establishments. Standby or resale service not permitted.

ELECTRIC RATE -

Customer Charge:	\$50.00 ^{59.10} \$60.00 per month
Demand Charge :	\$2.35 ^{5.03} \$5.10 per kW of maximum metered demand recorded during the month. but not less than eighty percent (80%) of the highest demand recorded during the previous twelve (12) months.
Energy Charge :	\$0.056 ^{0.0454} \$0.0461 per kWh

DEMAND - The demand is the kW nearest to the whole kW as determined from the City's demand meter for the thirty (30) minute period of customers' greatest use during the month ~~but not less than eighty percent (80%) of the highest demand recorded during the previous twelve (12) months.~~ but in no event shall the billing demand be less than 500 kW per month.

INDUSTRIAL SERVICE - DEMANDRATE SCHEDULE - GSLD

(Continued from Sheet No. 11.0)

POWER FACTOR - If customers' power factor shall average less than eighty-five percent (85%) lagging during any month, then the City may adjust the readings taken to determine the demand by multiplying the kW obtained through such readings by eighty-five (85%) and by dividing the result by the average power factor actually established during the current month. Such adjusted readings shall be used in determining the demand.

TERMS OF PAYMENT - See "Miscellaneous" Sheet No. 4.0

BILLING ADJUSTMENT - See "~~Energy~~ Power Cost Adjustment ~~Cost~~ Clause"
Sheet No. 18.0

STATE SALES TAX - See "Miscellaneous" Sheet No. 4.0

CITY UTILITY TAX - See "Miscellaneous" Sheet No. 4.0

OUTSIDE CITY SURCHARGE - See "Miscellaneous" Sheet No. 4.0

COUNTY FEE-IN-LIEU-OF-FRANCHISE FEE - See "Miscellaneous" Sheet No. 4.0

STREET LIGHTING SERVICE (GOVERNMENTAL)RATE SCHEDULE SL-2
(Continued from Sheet No. 16.0)MONTHLY RATE -

<u>Luminaire Type</u>	<u>Lamp Size Lumens/Watts</u>		<u>kWh/Mo. Estimate</u>	<u>Charge for Unit (\$)</u>			
				<u>Facilities</u>	<u>Maint.</u>	<u>Energy</u>	<u>Total</u>
High Pressure Sodium Vapor	5800	70	30	\$ 3.21 4.86	1.44	2.10 \$ 1.99	6.75 \$ 6.85
" "	9500	100	42	3.21 4.91	1.49	2.94 2.79	7.64 7.70
" "	16000	150	62	3.20 5.08	1.55	4.34 4.12	9.17 9.20
" "	27500	250	108	4.30 6.67	1.64	7.56 7.18	13.50 13.85
" "	50000	400	172	4.50 6.87	1.64	12.04 11.43	18.18 18.30
Mercury Vapor	7000	175	79	2.11 3.10	1.01	5.53 5.25	8.65 8.35
" "	11000	250	107	3.20 4.84	1.35	7.49 7.11	12.12 11.95
" "	20500	400	164	3.20 4.85	1.33	11.48 10.90	16.09 15.75

Charges for other City owned facilities:

Treated wood pole used only for the street lighting system - \$2.10

35' Concrete pole used only for the street lighting system - \$3.10

45' Concrete pole used only for the street lighting system - \$6.60

Underground conductors will be provided upon request of the customer.
Charges will be determined and payable prior to installation.

TERM OF SERVICE - Not less than ten (10) years.TERMS OF PAYMENT - See "Miscellaneous" Sheet No. 4.0

BILLING ADJUSTMENT - See "Energy Power Cost Adjustment Cost Clause"
Sheet No. 18.0

OUTSIDE CITY SURCHARGE - See "Miscellaneous" Sheet No. 4.0COUNTY FEE-IN-LIEU-OF-FRANCHISE FEE - See "Miscellaneous" Sheet No. 4.0

Issued By: John V. Little
City Manager/Director of Utilities

Effective: September 1, 1986
October 1, 1987

STREET LIGHTING SERVICERATE SCHEDULE SL-1

AVAILABILITY - In all territory served.

APPLICABILITY - For lighting of private residential areas on customer owned and maintained street lighting systems.

SERVICE - Energy only.

RATE - Based upon wattage of lamps installed, computed on an average of twelve (12) hours per day operation:

.0700 per kWh

Plus applicable taxes and energy adjustment charge

TERMS OF PAYMENT - See "Miscellaneous" Sheet No. 4.0

STATE SALES TAX - See "Miscellaneous" Sheet No. 4.0

UTILITY TAX - See "Miscellaneous" Sheet No. 4.0

BILLING ADJUSTMENT - See "Energy Adjustment Cost" Sheet No. 18.0

ENERGY POWER COST ADJUSTMENT COST CLAUSEEAC PCA

~~In addition to the schedule of electric power rates as set forth herein shall be added each month, an energy adjustment cost which shall be calculated upon the basis of thirty three (33.0) mills per net kilowatt hour of fuel cost and/or purchased power cost, less demand and customer costs associated with long term firm partial requirements power. The resultant energy adjustment charge for the current month will be increased or decreased one and one tenth (1.10) mills per kWh for each one (1.00) mill increase or decrease in the city's average energy cost per kWh of net generation and/or purchase power cost, less demand and customer costs associated with long term firm partial requirements power, during the second preceding month above or below the base average energy cost of thirty three (33.0) mills per net kWh and such charge shall be reflected in the monthly billings of all customers using the electric power services of the City of Vero Beach. This energy adjustment cost shall be applied to electric bills issued October 1, 1982 and thereafter.~~

In addition to the schedule of electric retail rates and charges, the Power Cost Adjustment Clause shall be applicable to all energy (kWh) sales. The monthly bill computed under the appropriate retail rate schedule will be increased or decreased by an amount equal to the result of multiplying the kWh used by the Power Cost Adjustment Factor (PCA) determined as follows:

$$PCA = \left[\left(\frac{F_m}{S_m} - \$0.0410 \right) * \frac{1}{1-L} \right] * \frac{1}{1-T}$$

Where:

1. PCA = Power Cost Adjustment factor in dollars per kWh rounded to the nearest one-thousandth of a cent applicable to bills rendered during the current four-month billing period defined as either: (i) October, November, December, January; (ii) February, March, April, May; or (iii) June, July, August, September.
2. F_m = Total estimated fuel and purchased power costs applicable for the current four-month billing period. Fuel and purchased power cost may include the following:
 - (a) the total cost of fuel consumed in the City's generating units;
 - (b) the total cost of fuel consumed in the City's share of any jointly-owned generating units (including generation owned through participation in joint action agency projects);

ENERGY POWER COST ADJUSTMENT COST CLAUSE

EAG PCA
(Continued from Sheet No. 18.0)

- (c) the total cost of purchased power and any associated transmission costs (which includes purchases associated with participation in joint action agency projects);
 - (d) less the fuel cost of interchange sales;
 - (e) plus an amount to correct for the over-recovery or under-recovery of the actual applicable fuel and purchased power costs as defined in (a), (b), (c), and (d) above, during the latest four (4) month period of (i) May, June, July, August; (ii) September, October, November, December; or (iii) January, February, March, April, determined as the difference between actual applicable fuel and purchased power costs and the costs actually billed during the same period; plus any previous over-recovery or under-recovery of actual applicable fuel and purchased power costs as defined above associated with prior periods or w prior period adjustments, if any.
3. S_m = Total kWh at the generation level corresponding to the current four-month billing period estimated as the sum of generation less interchange sales plus purchases.
4. L = Estimated System Losses.
5. T = Any applicable taxes.

Commencing October 1, 1987, for each month during the four-month periods thereafter, the PCA shall be determined on a projected four-month period and shall be fixed for each projected four-month period if, in the sole opinion of the City, the projected PCA represents a reasonable estimate of actual costs. If significant circumstances arise which warrant a change to the PCA, then the PCA may be modified during the four-month billing cycle if approved by the City.

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